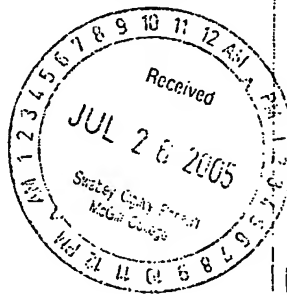


PATENT COOPERATION TREATY

File-041470PCT

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To: **JP**
OGILVY RENAULT
Suite 1600
1981 McGill College Avenue
Montreal, Quebec H3A 2Y3
CANADA



PCT

REPLY TO:
WRITTEN OPINION

(PCT Rule 66)

DUE ON SEP 25 2005

Date of mailing
(day/month/year)

25.07.2005

Applicant's or agent's file reference
13383-32PCT

REPLY DUE

within 2 month(s)
from the above date of mailing

International application No.
PCT/CA2003/000883

International filing date (day/month/year)
19.06.2003

Priority date (day/month/year)
19.06.2003

International Patent Classification (IPC) or both national classification and IPC
E01H1/05

Applicant
FIELDTURF INC.

1. This written opinion is the **first** drawn up by this International Preliminary Examining Authority.
2. This opinion contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application
3. The applicant is hereby **invited to reply** to this opinion.

When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also: For an additional opportunity to submit amendments, see Rule 66.4.
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.
For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.
4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 19.10.2005

Name and mailing address of the international preliminary examining authority:



European Patent Office - P.B. 5818 Patentlaan 2
NL-2280 HV Rijswijk - Pays Bas
Tel. +31 70 340 - 2040 Tx: 31 651 epo nl
Fax: +31 70 340 - 3016

Authorized Officer

Movadat, R

Formalities officer (incl. extension of time limits)

Ter Haar, H

Telephone No. +31 70 340-3817



WRITTEN OPINION

International application No. PCT/CA2003/000883

I. Basis of the opinion

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"*):

Description, Pages

1-20 as originally filed

Claims, Numbers

1-22 as originally filed

Drawings, Sheets

1/4-4/4 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

5. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

6. Additional observations, if necessary:

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims	1,6,11,16,17,19,21
Inventive step (IS)	Claims	2-5,7-10,12-15,18,20,22
Industrial applicability (IA)	Claims	

2. Citations and explanations**see separate sheet**

**WRITTEN OPINION
SEPARATE SHEET**Re Item V

- 1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 14 is not new in the sense of Article 33(2) PCT.

US-A-4069540, cf. col.4/l.32-52, discloses a method of removing painted field markings from a synthetic grass surface comprising the steps of applying a paint-dissolving solvent, brushing the region using (at least) one rotating brush and spraying the region with pressurized water, thereby disclosing all the technical features of said claim.

- 2 Furthermore, the subject-matter of claim 1 does not involve an inventive step in the sense of Article 33(3) PCT.
 - 2.1 US-A-4069540, cf. fig.1 and 6, discloses a device (10) for removing painted field markings from a synthetic grass surface (including a sheet backing and a plurality of synthetic grass fibres extending upwards there from*) comprising a displaceable vehicle (10), a rotating brush (50), a water nozzle (56) adjacent the rotating brush.
 - 2.2 The subject-matter of claim 1 therefore differs from above prior art in that a solvent nozzle is disposed forward of the rotating brush aligned therewith, for spraying a paint-dissolving solvent onto the synthetic grass surface in front of the rotating brush.
 - 2.3 In the cited prior art a solvent is sprayed by means of a hand-held spray gun on the paint, cf. col.4/l.32-52. However, these features have already been employed for the same purpose in a similar device. US-A-3644954, cf. fig.2, col.2/l.28-34, teaches, for the same purpose namely cleaning synthetic turf, to place a solvent nozzle (23), on a similar device, disposed forward of the brush. A person skilled in the art would thereby. It would be obvious to the person skilled in the art, namely when the same result is to be achieved, to apply these features with corresponding effect to a device for removing painted field markings according to document US-A-4069540, thereby arriving at a device according to claim 1.
- 3 Dependent claims 2-13 and 15-22 do not appear to contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step, for the following reasons:
 - claims 2,3-5,12; cf. US-A-3644954, fig.2;
 - claims 6,11,16,17,19,21; cf. US-A-4069540, fig.6;
 - claims 7-10,15; cf. US-A-2003/0037388;
 - claims 13,18,20,22; matter of design.